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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 001749

SIPDIS

DEPT FOR EUR/CACEN, DRL  
NSC FOR DAVID MERKEL  
USMISSION OSCE FOR KIT TRAUB

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TAGS: [PREL](#) [PGOV](#) [AM](#)

SUBJECT: NATIONAL ASSEMBLY PASSES CONSTITUTIONAL AMENDMENTS  
WITH LAST MINUTE SUBSTITUTIONS

REF: A) YEREVAN 1657 B) YEREVAN 1593

Classified By: DCM A.F. Godfrey for reasons 1.4 (b,d)

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SUMMARY  
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1. (C) On September 28, the Armenian National Assembly passed in third and final reading a package of revised constitutional reforms that will be put to national referendum in November (reftels). Despite the legal requirement that only technical changes are permitted between the second and third readings, the National Assembly made substantive revisions to sections of the amendments governing judicial review of referendum results, the relationship between church and state, and foreign ownership of property in Armenia. In the same session, the National Assembly adopted changes to the Law on Referendum, which will now allow elected officials to campaign on political issues, including the referendum on constitutional amendments. Opposition members criticized the ruling coalition for the last minute substitutions, which are still under review at the Council of Europe. The opposition actively participated in the parliamentary discussion, but boycotted both votes. Parliament's September 28 changes to the Council of Europe (CoE) Venice Commission-approved constitutional amendments package will promote "more, not less democracy," Rule of Law National Assembly Deputy Mher Shahgeldian told the CDA shortly after the vote. End Summary.

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SUBSTANTIVE CHANGES TO THE CONSTITUTIONAL AMENDMENTS  
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2. (C) The Armenian Parliament convened in extraordinary session on September 27 with two items on the agenda: the final hearing of the constitutional amendments and changes to the Law on Referendum (ref B). Under Armenian law, only editorial and technical changes are permitted between the second and third readings. Parliament, however, made substantive revisions that would 1) allow the GOAM to draft legislation to regulate its relationship with the Armenian Apostolic Church; 2) reduce -- from a majority to one fifth -- the proportion of parliamentary votes required to refer referendum results to the Constitutional Court for review; and, 3) reinstate provisions from Armenia's current constitution which regulate foreign ownership of land. Rule of Law Party Deputy Mher Shahgeldian told us the changes would promote "more, not less democracy," in line with suggestions made by the Council of Europe, the OSCE, the European Union, and the USG. After the vote, National Assembly Speaker Artur Baghdasaryan told reporters that Parliamentary rules governing technical edits to third-reading documents did not expressly prohibit the changes.

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LAW ON REFERENDUM CHANGED TO ALLOW CAMPAIGNING  
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3. (SBU) In the same session, Parliament modified the Law on Referendum to permit elected officials to engage in campaigns while on duty. According to news reports, members of the governing coalition argued that the changes will facilitate a successful public awareness campaign of the constitutional reforms package. Opposition Justice Bloc Secretary Victor Dalakyan told reporters he believes the changes will provide officials the legal right to abuse government resources for their own campaigns. Parliament adopted the amendments to the Law on Referendum in first, second, and third readings within 24 hours.

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OPPOSITION PARTICIPATES IN DEBATE BUT BOYCOTTS VOTES  
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4. (SBU) Opposition deputies, both from the National Unity Party (who have officially ended their boycott of the

National Assembly (reftel)) and the Justice Bloc (who claim to have interrupted their boycott in order to participate in these debates) were very active during the September 27-28 session. Flipping roles, coalition deputies did not actively participate in the debates. Both the constitutional amendments and the Law on Referendum were adopted unanimously. The constitutional amendments passed the 131-member Parliament in third and final reading with 90 votes. The Law on Referendum passed with 92 votes. Opposition parties did not participate in the votes.

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PARLIAMENT TO KOCHARIAN: SET DATE FOR REFERENDUM  
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15. (C) In the September 28 session, Parliament officially requested President Kocharian set a date for the constitutional amendments referendum. Kocharian has three weeks to respond and, if he accepts -- which he has told us he will -- he must schedule the referendum for no earlier than 45 and no later than 60 days after signing the decision. Kocharian and the coalition have discussed November 20 and 26 as possible options for the referendum.

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COMMENT: CONTINUED SUPPORT FOR A BETTER CONSTITUTION  
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16. (C) The changes to the constitutional amendments, while very late in a very murky process, do not change our assessment that the amendments are a move in the right direction. The Council of Europe is currently reviewing Parliament's revisions, but plans to move ahead with an aggressive public information campaign. We will reiterate publicly our judgment that, while these amendments are not perfect, they do represent a step forward for Armenia.  
EVANS